

4 Oct 08, 2019

5 UNITED STATES DISTRICT COURT SEAN F. McAVOY, CLERK
6 EASTERN DISTRICT OF WASHINGTON

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| BENJAMIN E. STUTZKE, Plaintiff, v. STATE, Defendant. | 2:19-CV-00293-SAB 2:19-CV-00245-SAB ORDER CONSOLIDATING CASE NUMBERS 2:19-CV- 00245-SAB AND 2:19-CV-00293- SAB |
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17 On July 16, 2019, without paying the filing fee or seeking leave to proceed
18 *in forma pauperis*, Plaintiff filed an initial complaint in case number 2:19-CV-
19 00245-SAB. On August 6, 2019, he filed an amended complaint and *in forma*
20 *pauperis* documents. *Id.*, ECF Nos. 4, 5 & 6. On August 14, 2019, he filed another
21 unsigned amended complaint and additional *in forma pauperis* documents. *Id.*,
22 ECF Nos. 11, 8, 9, & 10.

23 On August 28, 2019, Mr. Stutzke filed substantially the same complaint,
24 seeking \$4,805,000 in monetary damages, and paid the full \$400 fee (\$350 filing
25 fee plus \$50 administrative fee). Due to administrative error, a new action, 2:19-
26 CV-00293-SAB, was opened.

27 Because the new case number was opened in error, **IT IS ORDERED** this
28 action shall be consolidated with 2:19-CV-00245, with the complaint in this case,

1 ECF No. 1, filed as an amended complaint in 2:19-CV-00245, and the filing fee
2 paid in this case applied to 2:19-CV-00245.

3 **Accordingly, IT IS HEREBY ORDERED:**

4 1. The Clerk of Court shall **CONSOLIDATE** 2:19-cv-00293-SAB, with
5 2:19-CV-00245-SAB and **FILE**, *nunc pro tunc*, the complaint filed in 2:19-CV-
6 00293-SAB, ECF No. 1, as an amended complaint in 2:19-CV-00245-SAB.

7 2. The Clerk of Court shall apply the filing fee paid in 2:19-CV-00293-
8 SAB to 2:19-CV-00245-SAB and provide a copy of this Order to the Financial
9 Administrator for the United States District Court, Eastern District of Washington,
10 to accomplish this task.

11 3. As Plaintiff's subsequent filings, ECF Nos. 3 & 4, have already been
12 filed in 2:19-CV-00245, ECF Nos. 12 & 13, it is not necessary to re-file them.

13 4. The Clerk of Court shall **FILE** copies of this Order in 2:19-CV-
14 00293-SAB and in 2:19-CV-00245, and **ADMINISTRATIVELY CLOSE** 2:19-
15 CV-00293-SAB.

16 5. Plaintiff shall file no further documents in 2:19-CV-00293-SAB.

17 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
18 and forward copies to Plaintiff.

19 **DATED** this 8th day of October 2019.



23 A handwritten signature in blue ink that reads "Stanley A. Bastian".

24 Stanley A. Bastian
25 United States District Judge
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